

1 DOWNEY BRAND LLP
 2 MICHAEL J. THOMAS (Bar No. 172326)
 3 APARNA RAJAGOPAL-DURBIN (Bar No. 218519)
 4 555 Capitol Mall, Tenth Floor
 5 Sacramento, CA 95814-4686
 6 Telephone: (916) 444-1000
 7 Facsimile: (916) 444-2100
 8 E-mail: mthomas@downeybrand.com
 9 E-mail: adurbin@downeybrand.com

10 Attorneys for Plaintiff
 11 Nutrishare, Inc.

12
 13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA

15 Nutrishare, Inc., a California corporation,
 16 Plaintiff,
 17 v.
 18 BioRx, LLC, an Ohio Limited Liability
 19 Company,
 20 Defendant.

21 Case No. 2:08-CV-01252-WBS-EFB

22 **DECLARATION OF SHEILA MESSINA**

23 Date: August 11, 2008
 24 Time: 2:00 p.m.
 25 Dept: Courtroom 5
 26 Judge: Hon. William B. Schubb

27 I, SHEILA MESSINA, hereby declare as follows:

28 1. I am an individual residing in San Jose, California. I make this declaration of my
 19 own personal knowledge, and if called to testify, could and would testify consistent with the facts
 20 stated herein.

21 2. I require total parenteral nutrition ("TPN") in order to receive adequate nutrition.

22 3. I learned about the existence of NutriThrive, a new TPN company, at this year's
 23 ASPEN (American Society for Parenteral and Enteral Nutrition) meeting. When I heard about
 24 NutriThrive, it occurred to me that the name "NutriThrive" sounded quite similar to "Nutrishare,"
 25 the name of my current TPN provider.

26 4. I ran into NutriThrive again at this year's Oley Conference between June 26 and
 27 June 29, where NutriThrive had a booth in the exhibit hall and sponsored lunch. Although I did

1 not actually approach their booth, I again was curious and wondered who they were.
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3 I declare under penalty of perjury under the laws of the United States and the State of
4 California that the foregoing is true and correct to the best of my knowledge.

5 Dated this 23rd day of July, 2008, in San Jose, California.

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8 SHEILA MESSINA

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